IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 15395 of 2005

Between:

Sri A. Narayana, S/o. Sri Gangaram
Nizamabad,

..... PETITIONER

AND

1. Bharat Sanchara Nigam Limited, Rep. by its District Engineer,
   Telecommunications, Nizamabad, (Disciplinary authority),
2. Enquriy Officer, Sub Divisional Engineer (P. Ajay Kumar),
   A.P. Room No. 204, 1st Floor, Triveni Complex, Abids,

Hyderabad,

.....RESPONDENTS

ORDER:

The writ petition is filed aggrieved by the Memo dated 04.09.2000 issued by the Divisional Engineer (Administration) of the Bharat Sanchar Nigam Limited, Telecom District, Nizamabad bearing reference No. GMTD/NZB/DISC/AN/ 2000-01/20, Dt:4.9.2000, calling upon the petitioner to submit his written statement of defence to the charge memo and the accompanying statement of imputations of misconduct and mis-behaviour. The petitioner obtained a Schedule Tribe Certificate in 1978 and was employed in the Telephone Department in 1980 as a member of Scheduled Tribe. The caste certificate obtained by the petitioner in 1978 was cancelled after a due process of enquiry by the Joint Collector, Nizamabad, dated 22.02.1993. Aggrieved thereby the petitioner filed W.P.No.3206 of 1993. By the Judgment dated 28.10.2004, this

Court allowed the writ petition and quashed the order of the Joint Collector, Nizamabad, dated 22.02.1993 canceling the petitioner's caste certificate.

During the pendency of the above writ petition the respondents initiated disciplinary proceedings against the petitioner based on the caste certificate obtained by him in 1978 and consequent on its cancellation by the Joint Collector in 1993. These proceedings were stayed during the pendency of the writ petition. Thereafter, by the impugned memo, the petitioner is called upon to submit his explanation to the charge memo and the statement of imputations accompanying it.

The petitioner's contention is that in view of the Judgment of this Court in W.P.No.3206 of 1993 setting aside the order of the Joint Collector dated 22.02.1993, the basis for charges of misconduct and the departmental enquiry, has ceased to exist. That may be so. But that is no reason for interdicting the proceedings in the departmental enquiry by this Court. The petitioner is at liberty to submit his explanation explaining that the Joint Collector's order dated 22.02.1993 canceling his caste certificate is inoperative as it was quashed by this Court in W.P.No.3206 of 1993 and therefore, there is no justification to continue with the departmental enquiry. Such explanation by the petitioner is bound to be considered and an appropriate decision taken (by the respondents) either to proceed with the departmental enquiry or drop the same depending upon whether the respondent would like to pursue the issue of the petitioner's caste and the caste certificate independently or solely on the basis of the

cancellation of the caste certificate by the Joint collector. At any rate no case is made out for interdicting the discretion and disciplinary authority of the respondents, at this stage.

On the analysis above, there are no merits in the writ petition. The writ petition is accordingly dismissed.

The petitioner is however, at liberty to submit his detailed explanation to the memo dated 04.09.2000, within two (2) weeks from the date of receipt of a copy of this Judgment.

No order as to costs.

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27-09-2005

kvrm